

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE THE MATTER OF:)
CLEVELAND D. BOLER) CHAPTER 13
EVELYN BOLER)
Debtor)
) CASE NO. 06-30049

**RESPONSE TO ALABAMA DEPARTMENT OF HUMAN RESOURCES
OBJECTION TO CONFIRMATION**

COMES NOW the Debtor, by and through attorney, and in response to the Trustee's Objection to Confirmation, will state as follows:

1. Admitted.
2. Denied. Under BAPCPA, 11 U.S.C. 507(a)(1)(A) makes domestic support obligation a first priority for payment. However, this provision only applies to cases filed under Chapter 7 wherein priority claims are required to be paid "in the order specified in section 507." 11 U.S.C. § 726(a)(1). There is no such payment scheme in Chapter 13 cases.
3. Admitted. The debtor's plan meets the requirements of §1322 in that it provides "for the full payment, in deferred cash payments, of all claims entitled to priority under section 507 of this title." 11 U.S.C. § 1322(a)(2). Payment of claims is governed by §1326. There is no new requirement that requires the plan to pay priority claims, even domestic support orders, before all other claims. See *In re Aldridge*, Case No. 02-13580-MAM-13 , United States

Bankruptcy Court for the Southern District of Alabama , 335 B.R. 889; 2005 Bankr. LEXIS 2660, November 16, 2005. In fact, although the BAPCPA code provisions move up domestic support claims to first priority under §507, §1326 (b)(1) still only requires administrative claims to be paid "before or at the time of each payment to creditors under the plan." It does not specify any order of payment for any other priority claims.

Wherefore, premises considered, the debtor requests the Court to overrule the Alabama Department of Human Resources Objection to Confirmation

Respectfully submitted this day: March 7, 2006.

/s/ Vonda S. McLeod
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above foregoing Response on all parties listed below by CMECF or by mailing a copy of same to them on this day: March 7, 2006.

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Chapter 13 Trustee
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/s/ Vonda S. McLeod